

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION OPIATE
LITIGATION

This document relates to:

All Cases

Case No.: 17-MD-2804

Judge: Dan Aaron Polster

**PBM DEFENDANTS' MOTION FOR
LEAVE TO FILE SUR-REPLY
REGARDING PLAINTIFFS' MOTION
TO LIFT MORATORIUM ON
SUBSTANTIVE FILINGS**

The PBM Defendants respectfully seek leave to file a short, two-page sur-reply in response to the PEC's Consolidated Reply in Further Support of Motion to Lift Moratorium on Substantive Filings to Permit Plaintiffs to File Motions for Leave to Amend to Add Defendants, ECF No. 5434. A copy of the sur-reply that the PBM Defendants seek leave to file is attached as Exhibit A.

Through their proposed sur-reply, the PBM Defendants seek to clarify their position on the PEC's original motion (ECF No. 5411) and to address the PEC's proposed sequencing of motions to amend, which the PEC raised for the first time in its reply brief. For these reasons, good cause exists to allow the PBM Defendants to file their sur-reply. *See, e.g.*, Feb. 20, 2024 Text Order (granting Plaintiffs' motion for leave to file sur-reply); Apr. 5, 2022 Text Order (granting Plaintiffs' motion for leave to file sur-reply); July 13, 2020 Text Order (granting AmerisourceBergen Drug Corporation's motion for leave to file supplemental sur-reply); June 16, 2020 (granting AmerisourceBergen Drug Corporation's motion for leave to file sur-reply); ECF No. 2499 (Aug. 21, 2019) (granting Plaintiffs' motion for leave to file sur-reply); *see also NCMIC Ins. Co. v. Smith*, 375 F. Supp. 3d 831, 835–36 (S.D. Ohio 2019) (good cause to file a sur-reply exists “where the reply brief raises new grounds that were not included in movant’s initial motion” or “where a party seeks to ‘clarify misstatements’ contained in the reply brief. (citation omitted)).

Dated: May 15th, 2024

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